

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CORRIGENT CORPORATION,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 22-496-RGA
	)	
DELL TECHNOLOGIES INC. and DELL	)	
INC.,	)	
Defendants.	)	

**STIPULATION AND [PROPOSED] ORDER TO DISMISS CERTAIN ALLEGATIONS  
OF PRE-SUIT INDIRECT INFRINGEMENT AND EXTEND BRIEFING SCHEDULE  
FOR MOTION TO DISMISS**

WHEREAS, Plaintiff Corrigent Corporation filed the Complaint in this action on April 19, 2022, alleging infringement of U.S. Patent Nos. 6,957,369 (“’369 patent”), 7,113,485 (“’485 patent”), 7,330,431 (“’431 patent”), and 7,593,400 (“’400 patent”);

WHEREAS, the Complaint included allegations of induced and contributory infringement of the ’369, ’485, ’431, and ’400 patents by Defendants Dell Technologies Inc. and Dell Inc.;

WHEREAS, Defendants moved to dismiss Plaintiff’s allegations of induced and contributory infringement of the ’369, ’485, ’431, and ’400 patents (*see* D.I. 11 at 4–6, Sections V.A and V.B);

WHEREAS, Plaintiff and Defendants met and conferred regarding the Complaint’s allegations of induced and contributory infringement of the ’369, ’485, ’431, and ’400 patents, and Defendants’ motion to dismiss with respect to those allegations;

WHEREAS, Plaintiff and Defendants have agreed that Plaintiff will voluntarily dismiss the Complaint’s allegations of induced and contributory infringement of the ’369, ’485, ’431, and ’400 patents for the pre-suit time period (“Specified Pre-Suit Allegations”) but not the post-suit time period (“Specified Post-Suit Allegations”);

WHEREAS, Plaintiff and Defendants have agreed that Defendants will withdraw their motion to dismiss with respect to Plaintiff's allegations of induced and contributory infringement of the '369, '485, '431, and '400 patents (*see* D.I. 11 at 4–6, Sections V.A and V.B);

WHEREAS, Plaintiff and Defendants acknowledge that (1) Plaintiff's dismissal of the Specified Pre-Suit Allegations is without prejudice, that Plaintiff may seek discovery relating to those allegations once general fact discovery opens in accordance with a forthcoming scheduling order, that Plaintiff may thereafter seek leave to amend its Complaint to add allegations regarding pre-suit induced and contributory infringement, and that Defendants reserve the right to oppose such amendment; (2) Plaintiff does not voluntarily dismiss the Specified Post-Suit Allegations and Defendants reserve the right to contest the Specified Post-Suit Allegations, and all other remaining allegations in the Complaint, as the case progresses; and (3) Defendants do not withdraw their motion to dismiss with respect to patent eligibility of the '485 and '369 patent (*see* D.I. 11 at 7–20, Sections V.C and V.D);

WHEREAS Plaintiff and Defendants have agreed that the deadline for Plaintiff to file a response to Defendants' motion to dismiss (D.I. 11) is extended to July 22, 2022, and the deadline for Defendants' to file a reply is extended to August 12, 2022;

NOW THEREFORE, IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, that: (1) the Complaint's allegations of induced and contributory infringement of the '369, '485, '431, and '400 patents for the pre-suit time period are dismissed without prejudice; (2) Defendants' motion to dismiss Plaintiff's allegations of induced and contributory infringement of the '369, '485, '431, and '400 patents is withdrawn; (3) the deadline for Plaintiff to file a response to Defendants' motion to dismiss (D.I. 11) is extended to July 22, 2022; and (4) the deadline for Defendants to file a reply is extended to August 12, 2022.

/s/ Andrew C. Mayo

Andrew C. Mayo (#5207)  
ASHBY & GEDDES  
500 Delaware Avenue, 8th Floor  
P.O. Box 1150  
Wilmington, DE 19899  
(302) 654-1888  
amayo@ashby-geddes.com

James R. Nuttall (IL 6243585) *PHV pending*  
Robert F. Kappers (IL 6313187) *PHV pending*  
STEPTOE & JOHNSON LLP  
227 West Monroe Street, Suite 4700  
Chicago, IL 60606  
(312) 577-1300  
E-mail: jnuttall@steptoe.com  
E-mail: rkappers@steptoe.com

Thomas C. Yebernetsky (DC 219497) *PHV pending*  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036  
(202) 429-8003  
E-mail: tyeburnetsky@steptoe.com

*Attorneys for Plaintiff Corrigent Corporation*

/s/ Jeremy A. Tigan

Jack B. Blumenfeld (#1014)  
Jeremy A. Tigan (#5239)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
jtigan@morrisnichols.com

Brian A. Rosenthal  
Katherine Dominguez  
Jaclyn Hellreich  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166-0193  
(212) 351-4000

Stuart M. Rosenberg  
Ryan K. Iwahashi  
GIBSON, DUNN & CRUTCHER LLP  
1881 Page Mill Road  
Palo Alto, CA 94304-1211  
(650) 849-5300

Ronald A. Lee  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Drive  
Irvine, CA 92612-4412  
(949) 451-3800

Audrey Yang  
GIBSON, DUNN & CRUTCHER LLP  
2001 Ross Avenue  
Suite 2100  
Dallas, TX 75201  
(214) 698-3100

*Attorneys for Defendants Dell Technologies Inc. and Dell Inc.*

Dated: July 7, 2022

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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United States District Judge